UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

DANIELS SHARPSMART, INC.

Employer

and

Case 02-RC-091380

TEAMSTERS LOCAL UNION NO. 813, I.B.T.

Petitioner

DECISION AND ORDER

The National Labor Relations Board has considered challenged ballots in an election held November 15, 2012, and the Hearing Officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 6 ballots cast for and 5 ballots cast against the Petitioner, with 2 challenged ballots, a sufficient number to affect the results.

No exceptions have been filed to the Hearing Officer's report within the time provided. Accordingly, the Board adopts the Hearing Officer's findings and recommendations.

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for Region 2 for further appropriate action consistent with the Hearing Officer's report.

Dated, Washington, D.C., February 22, 2013.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary